



## City of Kelowna Regular Council Meeting Minutes

Date:	Tuesday, March 7, 2017
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Deputy Mayor Mohini Singh, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Brad Sieben and Luke Stack
Members Absent	Mayor Colin Basran, Councillor Charlie Hodge
Staff Present	Acting City Manager, Joe Creron; Deputy City Clerk, Karen Needham, Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Suburban & Rural Planning Manager, Todd Cashin*; Legislative Coordinator (Confidential), Arlene McClelland

(\* denotes partial attendance)

### 1. Call to Order

Deputy Mayor Singh called the meeting to order at 6:34 p.m.

### 2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Gray.

### 3. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Stack

R174/17/03/07 THAT the Minutes of the Public Hearing and Regular Meeting of February 21, 2017 be confirmed as circulated.

Carried

### 4. Bylaws Considered at Public Hearing

4.1 2025 Agassiz Rd, BL11358 (Z16-0052) - Exceling Investments Inc.

Moved By Councillor Gray/Seconded By Councillor Given

R175/17/03/07 THAT Bylaw No. 11358 be read a second and third time.

Carried

**4.2 403 Viewcrest Rd, BL11359 (Z16-0029) - Richard Mercier and Tracey Gronick**

Moved By Councillor Given/Seconded By Councillor Gray

R176/17/03/07 THAT Bylaw No. 11359 be read a second and third time.

**Carried**

**4.3 3523 Landie Rd, BL11360 (Z16-0085) - Tracy Hansford**

Moved By Councillor Given/Seconded By Councillor Gray

R177/17/03/07 THAT Bylaw No. 11360 be read a second and third time.

**Carried**

**5. Notification of Meeting**

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise mailing 140 statutory notices to the owners and occupiers of surrounding on February 21, 2017.

Notice of these (*amendments to Liquor Primary Licences*) were advertised by being posted on the Notice Board at City Hall on February 22, 2017, and by being placed in the Kelowna Daily Courier issues on Wednesday, February 24, 2017 and Wednesday, March 1, 2017 and by sending out or otherwise mailing 13 statutory notices to the owners and occupiers of surrounding on February 22, 2017.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

**6. Liquor License Application Reports**

**6.1 2130 Harvey Ave, LL16-0020 - Northland Properties Corporation**

Councillor DeHart declared a conflict of interest as this property is in direct competition and next door to her employer and departed the meeting at 6:43 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

The Deputy City Clerk advised that no correspondence or petitions had been received.

Deputy Mayor Singh invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant was not present

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Given

R178/17/03/07 THAT Council directs Staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, BE IT RESOLVED THAT:

Council recommends support of an application from Northland Properties Corporation Inc. No. Co839976 located at 2130 Harvey Avenue, Kelowna, BC, legally described as Lot A District Lot 127 ODYD Plan 23746 except Plan KAP92440, for a permanent change to a liquor primary licensed hours of sales for License Number 065335 (Bar One) from '11:00 AM to Midnight Sunday to 10:00 AM to Midnight Sunday'.

That Council's comments on the prescribed considerations are as follows:

The potential for noise if the application is approved;

The potential impact for noise is minimal and would be compatible with surrounding land uses.

The impact on the community if the application is approved;

The potential for negative impacts is considered to be minimal.

It is unlikely that the change in hours may result in the establishment being operated contrary to its primary purpose.

THAT Council's comments on the view of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures".

**Carried**

Councillor DeHart returned to the meeting at 6:48 p.m.

**7. Development Permit and Development Variance Permit Reports**

**7.1 380 Hardie Rd, BL11323 (Z16-0032) - Rukhmani & Shivnesh Reddy and Praneeta & Sinesh Naidu**

Moved By Councillor Stack/Seconded By Councillor DeHart

**R179/17/03/07** THAT Bylaw No. 11323 be adopted.

**Carried**

**7.2 380 Hardie Road, DVP16-0270 - Rukhmani & Shivnesh Reddy and Praneeta & Dinesh Naidu**

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

The Deputy City Clerk advised that no correspondence or petitions had been received.

Deputy Mayor Singh invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant was present and available for questions.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor DeHart

**R179/17/03/07** THAT Final Adoption of Rezoning Bylaw No. 11323 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0270 for Lot 5 Section 26 Township 26 ODYD Plan 14462 located at 380 Hardie Road, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

**Section 13.6.6(h): RU6 – Two Dwelling Housing Development Regulations**

To vary the required minimum rear yard from 7.5 m permitted to 6.0 m proposed.

AND FURTHER THAT this Development Variance Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

**7.3 170 Drysdale Blvd, BL11346 (Z16-0082) - City of Kelowna**

Councillor Stack declared a conflict of interest as his employer has business interests in close proximity to this site and departed the meeting at 6:54 p.m.

Moved By Councillor DeHart/Seconded By Councillor Gray

**R180/17/03/07** THAT Bylaw No. 11346 be adopted.

**Carried**

**7.4 170 Drysdale Blvd, DVP16-0294 - City of Kelowna**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Deputy City Clerk advised that no correspondence or petitions had been received.

Deputy Mayor Singh invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Matthew Carter, Vanmar Construction Inc, Vancouver BC and Jeff Maran, Applicant

- Displayed a PowerPoint Presentation summarizing the 69 unit townhome development application.
- The proposal consists of 11 separate buildings with the community accessing from Celano Crescent.
- All townhomes will consist of 3 bedrooms with den and all units have parking for two vehicles.
- Believes there is sufficient visitor parking throughout the site.
- Confirmed there will be 4,000 square feet of greenspace that will be landscaped and will house community play equipment along with picnic tables and benches.
- Hope to be under construction this year with completion of the development by the end of 2018.
- Responded to questions from Council.

Gallery:

Maureen Herriman, Celano Crescent

- Resides in Glen Oaks in a one storey duplex directly behind this property.
- Opposed to the density and height of the building.
- Raised concern that that their light will be blocked by the building height.
- Believes the entrance of this proposal is too close to Dr. Knox Middle School entrance as well as the crosswalk.
- Raised concern with increased traffic and safety issues around the school.
- Responded to questions from Council.

Applicant

- Confirmed that the school drop off situation has been taken seriously and that they have had discussions with the school principal.
- Traffic patterns at certain times of the day have been reviewed; believes the design is workable and does not present any safety challenges.
- Confirmed there will be traffic calming measure at Celano Crescent.

- Have proposed some time restricted parking on Drysdale and Celano as well.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor DeHart

**R179/17/03/07** THAT final adoption of Rezoning Bylaw No. 11346 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0292 for Lot 1 Section 4 Township 23 ODYD Plan EPP30767, located at 170 Drysdale Boulevard, Kelowna, BC subject to the following:

The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A",

The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";

Landscaping to be provided on the land be in accordance with Schedule "C";

The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value on the landscaping, as determined by a Registered Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0294 for Lot 1 Section 4 Township 23 ODYD Plan EPP30767, located at 170 Drysdale Boulevard, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted:

**Section 13.9.6(f): RM3 – Low Density Multiple Housing Development Regulations**

To vary the required minimum rear yard from 7.5 m permitted to 3.0 m proposed.

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated December 6, 2016;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Applications in order for the permits to be issued;

AND FURTHER THAT this Development Permit and Development Variance Permit are valid for two (2) years from the date of Council approval, with no opportunity to extend

**Carried**

Councillor Stack returned to the meeting at 7:26 p.m.

**7.5 1730-1756 Pier Mac Way, DVP17-0005 - 0942484 BC Ltd**

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

The Deputy City Clerk advised that no correspondence or petitions had been received.

Deputy Mayor Singh invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Alex Polacco, Mission Group Commercial, Applicant

- Advised that there are 2 signs granted on temporary measures; one being Tim Hortons while they were hiring and one sign for Nesters that is granted for 30 days.
- Commented that there are other signs that are for the shopping centre that are not associated with them.
- Advised that the leasing sign will be taken down shortly.
- Responded to questions from Council.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Gray

**R179/17/03/07** THAT Council authorize the issuance of Development Variance Permit DVP17-0005 for Lot A, Section 14, Township 23, ODYD, Plan EPP47885, located on 1730-1756 Pier Mac Way, Kelowna, BC.

AND THAT the variances to the following sections of Sign Bylaw No. 8235 be granted:

Section 6 Specific Zone (Industrial and Commercial Zones)

- Increase the maximum number of free-standing signs in the CD15 – Airport Business Park zone from 3 to 5 free standing signs.

AND FURTHER THAT the Development Variance Permits be valid for two (2) years from the date of Council approval, with no opportunity to extend.

**Carried**

8. **Reminders – Nil.**

9. **Termination**

The meeting was declared terminated at 7:35 p.m.

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Deputy Mayor

Deputy City Clerk

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